IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.993 OF 1998

IN

CHAMBER SUMMONS NO.1534 OF 1997

IN

SUIT NO.603 OF 1981

M/s.Mama Traders. ...Appellant.

vs.

1.Bai Asmabai Moiz Matcheswala
and others. ...Respondents.

Mr.A.N.Maniyar,for Appellant.

Mr.A.S.Chandurwala i/b. Desai & Diwanji, for Respondents.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 18th July,2007.

P.C.:-

The appeal is disposed of by consent of respondent nos. 1 and 2 and the appellant in the following terms:-

1. The Report of the Receiver in so far as it fixes the royalty at the rate of Rs.6000/- per month and the order of the learned Single Judge confirming that report are set aside.

2. The Receiver is directed to call for fresh valuation report and thereafter, fix the amount of royalty.

3. The Receiver is directed to complete this exercise as expeditiously as possible in any case within a period of Twelve weeks from today.

4. Till the amount of royalty is fixed by the Receiver as directed above, the appellant will continue to pay royalty at the rate of Rs.6000/- per month.

5. When the royalty is fixed as per this order and the amount is communicated to the appellant, the appellant to start paying royalty at the rate fixed by the Receiver subject to its rights to challenge the amount of royalty fixed by the Receiver. After the royalty is fixed as per this order, the parties shall be at liberty to adopt appropriate remedy in case they feel aggrieved and the Receiver shall be abided by the order that may be passed by the competent Court in that regard.

Appeal is disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)